

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York, on Tuesday, March 1, 1988 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski, "The Tax Receiver and the Sewer District Superintendent are with us tonight, should you have any question of them. Leroy, the head of the Assessors Department is here too. So they are available if there are any questions. Reports, Mrs. Pendzick."

REPORTS

Planning Board: Approves special permit application of Mu-Rac Associates; Defers request for a Noise Ordinance to the Town Board; Approves the minor sub-division of Sun-Up North and Nowak Allied corporation (Deer Run Homesteads); Denies change of zone applications of Faltin, DBM co., 25 East Realty Co., Kart, and Gatz; Recommends that Special Permit application of Augusta Schneider not exceed 162 units.

filed

Water District-Report for 1987.

filed

Tax Receiver-Collections as of 2/29/88: \$15,983,820.50.

filed

Police Department-Report for the month of January, 1988.

filed

APPLICATIONS AND PETITIONS

Petition: Three Village Associates, Ltd. (Sandy Hollow Woods) requesting that the Water and Sewer line be extended for this development.

filed

Parade Permit: Community Awareness Program for May 13, 1988.

filed

Site Plan: See Neefus, Inc. (Route 25, Aquebogue).

filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Thomas Dixon, 2/23/88-Withdraws appeal of C.A.C. as problem has been resolved. filed

American Host Families-Announcing that host families are needed for European Teachers this summer. filed

State Environmental Review Board-Issues negative declaration for sub-division, "Sun-Up". filed

Denise Hansen, 2/23/88-Submitting resignation effective on March 2, 1988. filed

Laurel Sisson: Requests that Board deny Special Permit Application of Valmont Homes and that a DEIS be required. filed

Wading River Civic Assoc., 2/26/88-Asks to be kept informed re: developments on Cross Sound Ferry at Wading River; that creek be dredged before boating season begins and parking regulations and beaches be enforced. filed

N.Y.S. Dept. of Transportation: Wildwood Village project will have no impact on state highways in area. filed

Supervisor Janoski, "There are, interesting enough, no public hearings this evening. On Unfinished Business there is quite a bit. Some of which will be acted upon. And I would recognize anyone wishing to be heard on any subject at this time. Steve."

Steve Haizlip, Calverton, "Since there was such a crowd last week and had so many meetings. I had to give you a break. I couldn't come up. Number one; I guess some of the people (especially Mr. Sykora and probably some of you people who go to Wading River) have seen that 58 is now repaired with that bump and I want to say that I had some support from the unit of the Town Board also in this and the job is done and it's nice. I see in the Newsday that taxes of the land; three years ago they reported they were not up to (I'm having a little trouble with words) equitably assessed. Then it happened to be on like a Monday and then on a Thursday; Leroy's picture is sitting up there as big as day. We're going to assess the towns. Now, which way are they going to assess it? Up or is it going to be equal and fair? Because the one they had in Newsday was not fair. People in Wyandanch was paying more than somebody in Dix Hills. So that's what I want to find out about. Which way are we going?"

Supervisor Janoski, "Well, I would think that Leroy believes that he is assessing fairly at the present time. Would you like to say anything here?"

Steve Haizlip, "And I want to add into that, if we're going to go assessment or we're going to go a full valuation or sale price from 1980. Now this is 8 years later almost. So some of the prices have risen in the real estate world and the market. So which way is it going to go? Is it going to go up to the selling price or is it going to go full valuation?"

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "Let me just say, and Leroy tells me this all the time, Riverhead is one of the most fairly assessed towns in Suffolk County. If not, the most fairly assessed town in Suffolk County. And he's back there. Because we are...."

Steve Haizlip, "Well, I know as far as the New York State School Board is concerned or the Regents, we're the richest in the state but that's only in real estate value. That's not in money wise."

Supervisor Janoski, "That's true. We do have a great deal of property value behind each student but it's not real. Let me try to answer your question. The discussion that was had by the Town Board with the Chairman of the Assessors was a question of a reassessment or an updating to try to get back up to a full value. What has happened over the past eight years was of course, the property values have increased. And there is a relationship of course, between the assessed value and the taxes you pay. There is also a relationship between assessed value and equity. For example, in other towns as well as in Riverhead, a period of time goes by and your assessment may not reflect truly the value of the property. The discussion will continue, I'm sure. But I don't think there is any doubt that it is the fairest thing to do. That the experience in 1980 was that roughly one third of the people that paid property taxes, their taxes went down. One third stayed the same and one third went up. And as a class, it was waterfront property that took the biggest jump in assessment and therefore, in property taxes. But in Suffolk County, there's a lot of discussion going on about county takeover of assessment. I don't think the Town of Riverhead has supported or ever will. But it's a question that we have before us that needs some study and we're looking at it. Certainly, we recognize that people fear it and it's not very popular to talk about it. But the result would probably be that the individual property owner would pay a fairer portion of the tax burden."

Steve Haizlip, "Ok. The only thing I'm bringing up that I'm concerned about; let's say you can sell a house (for the sake of argument) for \$100,000. My goodness, I don't think a full assessed valuation for tax purposes would be \$100,000. I hope not. If that is what somebody has got in mind."

Supervisor Janoski, "There needs to be a great deal of education (and I would call it that) so that people would understand what this issue is. And I just got finished telling you that one third of the property tax payers of the Town of Riverhead had a reduction in their bill after the reassessment even though their assessment went up. Or one third stayed the same."

Steve Haizlip, "I understand that because you pay by the thousand."

Supervisor Janoski, "It's not that. The Town of Riverhead needs a certain amount of money to operate its services every year. Let's say that it's 10 million dollars and that's what we're going to raise. You're going to pay your share and I'm going to pay my share depending on the assessed value. If you are under assessed and I'm over assessed, I'm paying a larger portion, unfair portion."

PERSONAL APPEARANCES, ContinuedSupervisor Janoski, Continued

So if your assessment isn't close to full value but mine is because I bought my house last year, that may bring you up and that is why there are a group of people opposed to it. But everybody, not everybody, but most people are opposed to it because there is an unknown. There's an uncertainty and people fear it. They really do and we understand that. So part of the process is going to have to be an educational process of the people, property taxpayers in the town so they do understand the fairness, the equity, equitable approach to it and then the probability is that they will be saved some money."

Steve Haizlip, "Ok. So in other words, some kind of good formula has to be worked out. Now, I got a reply about our centralized emission from the state, Patricia Abiducci. And I'll tell you, I never got a letter that talks of appeasement before. And all they're saying is that they don't know which way you're going to go and they don't know what they're going to do. That's all it boils down to."

Supervisor Janoski, "What are we talking about Steve?"

Steve Haizlip, "Car inspection, emission centralized. This little piece I took out of the newspaper. Now, if you don't believe our Public Service Commissions gets favors and gets payoffs and annuities and so forth, a previously unreleased record showed that the service and several top officials of the New Jersey Board of Public Utilities which is the same as our PSC, obtained meals, tickets to sporting events and others during the last five years from the utilities that they regulated. In one instance, a division director bought tickets from the ATT Communication District Manager of New Jersey for a sellout of the World Series Game. And the record shows that Barbara Kern, which I had correspondence from her on a case where the woman froze to death in Jersey City and they still.... And that's what I'm leading up to. I have the latest letter from the Governor on that and with this here Public Service Commission getting all these favors and so forth, they are not about to do much on investigating the death of that lady that froze to death in that house and they're not going to be hurrying up about it either. Ok. Thank you."

Supervisor Janoski, "Thank you Steve. Dick Benedict."

Dick Benedict, Fanning Boulevard, "I guess what I need is a little education on zoning. But it seems to me that within the last (possibly) two years I was here and we had a lot of public hearings and maps put up on the board about zoning on 58 and Aquebogue and 25. And now, I see the list keeps getting bigger and bigger of people asking for zone changes. I guess I don't quite understand that. When you change it according to the Master Plan or we put a big effort into it, we hire people we draw maps and everything and I know we have overlays in certain areas. But I guess I just don't understand how people can come back within a year and ask for zone changes. Does our town condone this? Is our Planning Board and Zoning Board and our Town Board spending all kinds of time finding out if these things are approvable after we change the plan?"

PERSONAL APPEARANCES

Continued

Supervisor Janoski, "An individual property owner does have the right to make application for change of zone, special permit or for any type of relief that he might desire to accomplish his or her goal. Yes, the agencies of government do review these applications and we go through quite a lengthy process in reviewing them and recommendations are made. And of course you have sat here while we have had public hearings on a number of applications. Some which have been turned down and some of which have been approved. Zoning, I think everyone would agree, is a matter of change. What was good 20 years ago, may not be good today. The circumstances may be different. But individuals do have that right and of course, the government is put in place with its agencies to review these applications which are made."

Dick Benedict, "In other words, then the zoning really does not mean a whole heck of a lot. If you can come before the Board with a special permit, you have no protection whatsoever if you bought the property next to it."

Supervisor Janoski, "Well, a special permit is a permitted use within a zone by special permit. So that means that people have the right to apply for it. If someone wants to do something that's not permitted in the zone, they can apply for a change of zone. Now, that's not possible all the time because there is prohibition against spot zoning. But under certain circumstances here, change of zone applications can be made."

Dick Benedict, "Well I guess I just wonder why we go through all this trouble and why we don't just let them come in for whatever zone they want and then we look one way or another to see if it's something we want or we don't want. But where's the integrity?"

Supervisor Janoski, "Well the integrity is that the Town Board, this one, the Boards in the past and the Boards in the future, recognize that circumstances change and that an individual has the right to make his case to see if there's any merit and that's what we judge these applications on is their individual merits."

Dick Benedict, "I don't believe these are two years old. These two zone changes on Route 58 and Aquebogue."

Supervisor Janoski, "It was done in 1983 I believe."

Dick Benedict, "To 'PB' or 'CR'?"

Supervisor Janoski, "To Office Service."

Dick Benedict, "Time must go awful fast."

Supervisor Janoski, "Well, that's when the study was initiated and I think we finished it in that year. I'm pretty sure we did."

Dick Benedict, "I guess I don't quite understand it all but I know Route 58 doesn't have (what they call) an overlay."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "No it does not. An overlay, there are a number of them in the zoning code. "PB" is one of them. It was created for older residential neighborhoods where there was a transition to professional use for those structures and it could be employed in addition to the underlying zoning. For example, if there was an agricultural or residential zone, the "PB" could be put on top. This Town Board, well not this Town Board but the recent Town Board also put in the zoning code "PB" zone which could stand by itself without any other zoning."

Dick Benedict, "What did we do with the tax base in this case? What does this do to our tax base if we change the zone? Does the guy next door pay a different tax rate than you do if he gets his zoned differently? How can we look ahead?"

Supervisor Janoski, "The tax base is dependant upon the property of the value of the land."

Dick Benedict, "Does that also have something to do with zoning?"

Supervisor Janoski, "Yes it does."

Dick Benedict, "Well, then the tax base is directly related."

Supervisor Janoski, "People don't usually apply for less valuable zones."

Dick Benedict, "They do if it suits their purpose."

Supervisor Janoski, "I'm saying usually."

Dick Benedict, "As far as planning ahead, how do you know what your tax base going to be? Or is that such a small amount that we don't worry about it."

Supervisor Janoski, "Well, it's a concern of mine. But in the years that I've been here, only recently saw a change of zone application to a higher or lower zone, whichever your point of view happens to be from Business to..... That's very rare. Mostly, you have people who have agriculturally zoned property who want business or residential. Business "C" to Agricultural "A", that was just acted on in the last couple of weeks. Very unusual for that to happen."

Dick Benedict, "Now, I see these things on here for weeks and months and I'm sure some of these are spending time trying to find out if we should give these people these permits or not."

Supervisor Janoski, "Absolutely."

Dick Benedict, "It just seems to me that that's a waste of time after all we spent on zoning these areas and drawing up the maps and everything. Thank you."

PERSONAL APPEARANCES, Continued

Supervisor Janoski, "Thank you Dick. Is there anyone else who wishes to be heard? Well, why don't we take up the resolutions."

Resolutions 149-173 contained on Pages 322-352
1988 Resolution Book

#161 AMENDS SITE PLAN OF ERNEST AND CAROLE KEMPERMANN - VILLAGE CROSSROADS.

Councilman Boschetti, "The Board, back in January, approved a site plan for Ernie and Carole Kempermann who operate the Village Crossroads Restaurant. They're amending that site plan to include a loading area and this approval is subject to their submission of new site plan drawings. So moved.

#165 APPROVES CHANGE OF ZONE FOR JOSEPH A. DEERKOSKI, JAMES F. NEEFUS, JR. AND GEORGE KAYTIS.

Councilman Boschetti, "Well, if you saw us leave a couple of minutes ago, it was because there was some wordage missing from this particular resolution. And what we did or rather what Pat did is to include in one of the RESOLVED paragraphs that the Town Board hereby approves this change of zone application to "PB" Overlay on the above described premises."

#167 DENIES EXEMPTION OF MANOR ASSOCIATES FROM MORATORIUM ON DEVELOPMENT IN WADING RIVER.

Councilman Pike, "You all know the Hamlet area of Wading River is currently under moratorium. One of the property owners in the Route 25A area, petitioned this Board for an exemption for the moratorium. We have a four vote majority required for passage of this. So this application, lacking that, is stated in the negative and denies the exemption. So a yes vote here is to deny the exemption and make that property continue to be subject to the moratorium and the Hamlet study."

#170 APPROVES SPECIAL PERMIT OF AUGUSTA SCHNEIDER WITH CONDITIONS.

Councilman Pike, "This has to do with the August Schneider property. As Councilman Boschetti has pointed out, we have not let a ten day comment period from the hearing and so I'll give him an opportunity to make a motion to table it."

Supervisor Janoski, "Is there anyone who wishes to address the Board before we leave? That being the case and without objection, I declare the hearing closed.

There being no further business on motion or vote, the meeting adjourned at 8:10 p.m.